



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.1010-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: )  
)  
Gilles RUBINSTENN et al. ) Group Art Unit: 2624  
)  
Application No.: 10/024,615 ) Examiner: John B. Strege  
)  
Filed: December 21, 2001 ) Confirmation No.: 3934  
)  
For: ANALYSIS USING A THREE- )  
DIMENSIONAL FACIAL IMAGE )

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPEAL BRIEF UNDER BOARD RULE § 41.37**

This is an appeal to the Board of Patent Appeals and Interferences ("the Board") from the Office Action dated October 17, 2006 ("Office Action"), rejecting claims 2-6, 8-17, and 19-44, in the above-referenced patent application. Pursuant to 37 C.F.R. § 41.37, Appellants submit this Appeal Brief and enclose herewith the required fee of \$500.00 under 37 C.F.R. § 41.20(b)(2).

A Notice of Appeal was filed on January 12, 2007. This Appeal Brief is being filed concurrently with a petition for one-month extension of time. If any additional fees are required, or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-091604/03/2007 JADD01 00000015 10024615

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**I. Real Party In Interest**

The real party in interest is L'Oréal S.A., the assignee of the entire right, title, and interest in the application, as indicated by assignment duly recorded in the U.S. Patent and Trademark Office, beginning at Reel 012922, Frame 0926, on May 22, 2002.

**II. Related Appeals and Interferences**

Appellants, Appellants' legal representative, and Assignee are aware of no other appeals, interferences, or judicial proceedings that may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

**III. Status Of Claims**

Claims 2-6, 8-17, and 19-44 are pending in this application. Claims 1, 7, and 18 were previously canceled. Claims 2-6, 8-17, and 19-44, as set forth in the Claims Appendix, were rejected in the Office Action and the rejections applied to those claims are at issue in this appeal.

**IV. Status Of Amendments**

No amendments have been filed subsequent or in response to the Office Action.

**V. Summary Of Claimed Subject Matter**

Independent claim 20 recites a method of enabling an analysis using a three-dimensional facial image. The method comprises facilitating construction of a three-dimensional facial image using at least one captured image of a subject's face (Fig. 8; page 27, lines 15-21; page 28, lines 7-19<sup>1</sup>). The captured image reflects at least one external body condition (Fig. 8; page 32, lines 7-9 and 15-16). The method also includes facilitating processing of the three-dimensional facial image to enable a beauty analysis (Fig. 8; page 29, lines 20-23; page 30, lines 1-4; page 32, lines 5-9; page 33, lines 3-5). The method further includes analyzing the at least one external body condition via the three-dimensional image (page 32, lines 15-18; page 33, lines 5-7 and 10-13). The method further includes proposing to the subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition (page 32, line 22-page 33, line 2; page 33, lines 7-8).

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<sup>1</sup> The designations of reference numerals and identifications of portions of the specification and drawings in this Brief are merely intended to facilitate explaining how the originally-filed application provides exemplary disclosure relating to the claimed subject matter. These designations and references are exemplary and non-exhaustive, and they should not be construed as limiting the claims.

**VI. Grounds of Rejection to be Reviewed on Appeal**

The following grounds of rejection are to be reviewed:

A. Claims 2-6, 8-17, 19-27, 32, 38, 39, and 41-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Publication No. 2001104050 to Nagaishi ("Nagaishi") in view of U.S. Patent Application Publication No. 20010037191 to Furuta et al. ("Furuta").

B. Claims 28-31 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaishi in view of Furuta and further in view of Nobori et al., *Image Synthesis System Using 3D Model-based Coding Simulates Facial Expressions and Aging*, IEEE, 1992, pages 394-395 ("Nobori").

C. Claims 33-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaishi in view of Furuta and further in view of U.S. Patent No. 6,504,546 to Cosatto ("Cosatto").

D. Claim 37 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaishi in view of Furuta, in view of Cosatto, and further in view of U.S. Patent Application Publication No. 20030164955 to Vinas et al. ("Vinas").

**VII. Argument**

**A. The Rejection of Claims 2-6, 8-17, 19-27, 32, 38, 39, and 41-44 Under 35 U.S.C. § 103(a) Based on Nagaishi in view of Furuta Should Be Reversed**

Appellants submit that the § 103(a) rejection of claims 2-6, 8-17, 19-27, 32, 38, 39, and 41-44 based on Nagaishi and Furuta should be reversed because the Office Action fails to establish a *prima facie* case of obviousness. As set forth in M.P.E.P. § 2142, “[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.” To establish *prima facie* obviousness under 35 U.S.C. § 103(a), three requirements must be met. First, the applied references must teach or suggest each and every element recited in the claim. M.P.E.P. § 2143. Second, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the references in a manner resulting in the claimed invention. *Id.* Third, a reasonable expectation of success must exist. *Id.*

1. *Nagaishi and Furuta do not disclose or suggest the subject matter recited in claims 2-6, 8-17, 19-27, 32, 38-39, and 41-44*

a) Claim 20

Independent claim 20 recites, among other features, “analyzing . . . at least one external body condition via [a] three-dimensional image; and proposing to [a] subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition.”

In this case, *prima facie* obviousness has not been established at least because Nagaishi and Furuta, taken alone or in combination, fail to disclose or suggest at least



these features. Nagaishi discloses “extracting [a] face image from [an] image obtained by [a] camera [and] analyzing the [extracted] face image and . . . the information showing the condition of skin.” Abstract. Nagaishi’s system then “generat[es] . . . contents of advice related to . . . makeup for [a] person to wear.” *Id.*

Although Nagaishi discloses analyzing a facial image extracted from an image obtained by a camera, the reference does not teach or suggest “analyzing . . . at least one external body condition via [a] three-dimensional image,” as recited in claim 20. (emphasis added).

Moreover, providing advice related to makeup based on an analysis of a facial image extracted from an image obtained by a camera, as disclosed by Nagaishi, does not constitute “proposing to [a] subject an aesthetic feature for affecting . . . at least one external body condition based, at least in part, on . . . analyzing of the external body condition [via the three-dimensional image],” as recited in claim 20. Because Nagaishi does not disclose any use of a three-dimensional image, Nagaishi does not teach proposing an aesthetic feature for affecting an external body condition based, at least in part, on analyzing of the external body condition via a three-dimensional image.

Furuta fails to cure Nagaishi’s deficiencies. Furuta is directed to providing a beauty simulation (Abstract). Furuta discloses generating “3D face model data” using captured images of a user (¶ 0032; FIG. 3). As the Examiner noted, Furuta also discloses performing “simulations of makeup, cosmetic surgery, clothing, perfume, accessories, hair style, etc. based on 3D information.” Office Action at 5; Furuta, ¶ 0041. However, performing simulations on a 3D model, as disclosed by Furuta, does not constitute “proposing to a subject an aesthetic feature for affecting . . . at least one

external body condition based, at least in part, on . . . analyzing of the external body condition” as recited in claim 20. The Examiner even agreed with this position and acknowledged that Furuta was not relied upon for allegedly teaching this claim element. See Office Action at 2. Consistent with the Examiner’s acknowledgment, Furuta’s system merely creates an “evaluation facial image comprising a plurality of areas having different levels of brightness” and facilitates a “simulation for plastic surgery or makeup styles” (¶¶ 0046-0048). For at least these reasons, Furuta does not teach or suggest at least the “proposing” feature recited in claim 20 and therefore fails to cure Nagaishi’s deficiencies.

Furthermore, Appellants note that “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the difference themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02. In this case, even if “proposing . . . an aesthetic feature” and a “three-dimensional facial image” were individually known, the Office Action has not established that claim 20, taken as a whole, including the “analyzing” and “proposing” features, would have been obvious in view of the applied references.

For at least these reasons, the § 103(a) rejection of independent claim 20 based on Nagaishi and Furuta should be reversed.

b) Claims 2-6, 8-17, 19, 21-27, 32, 38, 39, and 41-44

As discussed above, *prima facie* obviousness has not been established because Nagaishi and Furuta, taken alone or in combination, fail to disclose at least “analyzing . . . at least one external body condition via [a] three-dimensional image; and

proposing to [a] subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition” as recited in independent claim 20, from which claims 2-6, 8-17, 19, 21-27, 32, 38, 39, and 41-44 depend.

For at least these reasons, the § 103(a) rejection of dependent claims 2-6, 8-17, 19, 21-27, 32, 38, 39, and 41-44 based on Nagaishi and Furuta should be reversed.

*2. The requisite motivation for modifying Nagaishi in view of Furuta is lacking*

Additionally, the requisite motivation for modifying Nagaishi in view of Furuta is lacking. According to the Federal Circuit, “virtually all [inventions] are combinations of old elements.” See e.g., *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998) (citations omitted). An examiner may find every element of a claimed invention in the prior art but mere identification is not sufficient to negate patentability. *Id.* The court explained that “the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.” *Id.*

Furthermore, determinations of obviousness must be supported by evidence on the record. See *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001), 59 USPQ2d 1693, 1696-98 (finding that the factual determinations central to the issue of patentability, including conclusions of obviousness by the Board, must be supported by “substantial evidence”). The desire to combine or modify references must be proved with “substantial evidence” that is a result of a “thorough and searching” factual inquiry. See

*In re Lee*, 277 F.3d 1338, 1343-1344 (Fed. Cir. 2002), 61 USPQ2d 1430, 1433 (quoting *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52). Additionally, the Federal Circuit has clearly stated that the evidence of a motivation or suggestion to modify a reference must be “clear and particular.” *In re Dembicziak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

In this case, the Examiner has not shown by clear and particular evidence that a skilled artisan considering Nagaishi and Furuta, and not having the benefit of Appellants’ disclosure, would have modified or combined the references in a manner resulting in the invention defined by claim 20. The Examiner alleged that Nagaishi and Furuta “both deal with using image processing for beauty consultation purposes.” Office Action at 3. The Examiner further alleged that “both inventions are pointed to the same end of selling beauty products to a consumer.” *Id.* Based on these allegations, the Examiner asserted that “it would have been obvious to one of ordinary skill in the art to combine the two in order to allow an individual to be able to discern how they look with the proposed makeup applied [because] doing so would . . . allow . . . a more realistic presentation of the product with the hope that it would sell more of the product.” *Id.*

These allegations in the Office Action are not supported and do not show that a skilled artisan would have modified Nagaishi as alleged because they fail to provide clear and particular motivation to combine. The Examiner’s alleged motivation to combine, which is to sell more beauty products, is too broad and vague, and not explicit in the references. This form of alleged motivation, if successfully used against non-obviousness, would make the requirement of showing clear and particular evidence of motivation almost nonexistent because any combination can be said to be motivated by

selling more products. Moreover, when the motivation to combine is not explicit in the references, “a court or examiner may find a motivation to combine prior art references in the nature of the problem to be solved.” *Ruiz v. A.B. Chance, Co.*, 357 F.3d 1270, 1276 (Fed. Cir. 2004). Because the problem to be solved is technical in nature, the motivation to combine prior art references must also be technical, and not purely to achieve a commercial success, as alleged by the Examiner.

Appellants respectfully submit that the Examiner is impermissibly using teachings of the present application in hindsight to piece together isolated disclosures of the cited references. Examiners may not pick and choose among isolated disclosures in references to defeat patentability of a claimed invention. Such picking and choosing amounts to improper hindsight reconstruction, and is prohibited. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

For at least these reasons, Appellants respectfully request the Board to reverse the § 103(a) rejection of independent claim 20 and dependent claims 2-6, 8-17, 19, 21-27, 32, 38, 39, and 41-44 based on Nagaishi and Furuta.

**B. The Rejection of Claims 28-31 and 40 Under 35 U.S.C. § 103 Based on Nagaishi in view of Furuta and further in view of Nobori Should Be Reversed**

*1. Nagaishi, Furuta, and Nobori do not disclose or suggest the subject matter recited in claims 28-31 and 40*

Appellants respectfully submit that the § 103 rejection of claims 28-31 and 40 based on Nagaishi in view of Furuta and further in view of Nobori should be reversed because the Office Action fails to establish a *prima facie* case of obviousness. As set forth above, *prima facie* obviousness has not been established because Nagaishi and

Furuta, taken alone or in combination, fail to disclose “analyzing . . . at least one external body condition via [a] three-dimensional image; and proposing to [a] subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition” as recited in independent claim 20, from which claims 28-31 and 40 depend.

Nobori fails to cure the deficiencies of Nagaishi and Furuta. Nobori allegedly “discloses a filling algorithm using a polygonal wireframe model to obtain a synthesized 3d face model (section 2).” Office Action at 9. Even if the allegation were true, Nobori teaches, at most, forming a synthesized 3d model, and thus fails to teach or suggest “analyzing . . . at least one external body condition via [a] three-dimensional image; and proposing to [a] subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition” as recited in independent claim 20.

For at least these reasons, the § 103(a) rejection of dependent claims 28-31 and 40 based on Nagaishi, Furuta, and Nobori should be reversed.

*2. The Requisite motivation for modifying Nagaishi in view of Furuta and further in view of Nobori is lacking*

Additionally, the requisite motivation for modifying Nagaishi in view of Furuta and further in view of Nobori is lacking.

In this case, the Examiner has not shown by clear and particular evidence that a skilled artisan considering Nagaishi, Furuta, and Nobori, and not having the benefit of Appellants' disclosure, would have modified or combined the references in a manner resulting in the invention defined by claims 28-31 and 40. The Examiner alleged that a

skilled artisan would have modified Nagaishi in view of Furuta and further in view of Nobori “to make the 3d model as discussed by Furuta using a 3d frame.”

Office Action at 9. The Examiner’s alleged motivation to combine is merely that “it is a practical way of doing so.” *Id.*

These allegations in the Office Action are not supported and do not show that a skilled artisan would have modified Nagaishi as alleged. The Examiner’s alleged motivation is not clear and particular, and is not supported by any evidence. The Office Action merely states that combining the references “is a practical way of doing so” without providing any clear and particular evidence of motivation.

As M.P.E.P. § 2143.01 makes clear, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination” (citations omitted). In this case, the Examiner has not shown that Nagaishi, Furuta, or Nobori, “suggests the desirability” of the alleged modification.

Appellants submit that the Examiner is impermissibly using teachings of the present application in hindsight to piece together isolated disclosures of the cited references. Examiners may not pick and choose among isolated disclosures in references to defeat patentability of a claimed invention. Such picking and choosing amounts to improper hindsight reconstruction, and is prohibited. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

For at least these reasons, Appellants respectfully request the Board to reverse the § 103(a) rejection of dependent claims 28-31 and 40 based on Nagaishi, Furuta, and Nobori.

**C. The Rejection of Claims 33-36 Under 35 U.S.C. § 103(a) Based on Nagaishi in view of Furuta and further in view of Cosatto Should Be Reversed**

1. *Nagaishi, Furuta, and Cosatto do not disclose or suggest the subject matter recited in claims 33-36*

Appellants respectfully submit that the § 103 rejection of claims 33-36 based on Nagaishi in view of Furuta and further in view of Cosatto should be reversed because the Office Action fails to establish a *prima facie* case of obviousness. As set forth above, *prima facie* obviousness has not been established because Nagaishi and Furuta, taken alone or in combination, fail to disclose “analyzing . . . at least one external body condition via [a] three-dimensional image; and proposing to [a] subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition” as recited in independent claim 20, from which claims 33-36 depend.

Cosatto fails to cure the deficiencies of Nagaishi and Furuta. Cosatto allegedly “discloses a method for modeling three-dimensional objects wherein using color calibration periodically the appearances of facial features can be tracked.” Office Action at 10. Even if the allegation were true, Cosatto teaches, at most, obtaining measurements of the outline of the facial features, and thus, fails to teach or suggest “analyzing . . . at least one external body condition via [a] three-dimensional image; and proposing to [a] subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition” as recited in independent claim 20.



For at least these reasons, the § 103(a) rejection of dependent claims 33-36 based on Nagaishi, Furuta, and Cosatto should be reversed.

*2. The requisite motivation for modifying Nagaishi in view of Furuta and further in view of Cosatto is lacking*

Additionally, the requisite motivation for modifying Nagaishi in view of Furuta and further in view of Cosatto is lacking.

The Examiner has not shown that a skilled artisan considering the cited references and not having the benefit of Appellants' disclosure, would have been motivated to combine or modify the references in a manner resulting in Appellants' claimed combination. The Office Action alleged that a skilled artisan would have combined the references because "changes in the appearances of the facial features can be tracked." Office Action at 11. That allegation in the Office Action is not properly supported by evidence and does not show that a skilled artisan would have modified the references as alleged.

Appellants call attention to M.P.E.P. § 2143.01, which makes clear that: "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination" (citations omitted). The Office Action does not show that the cited art "suggests the desirability" of the alleged combination. Further, the Examiner has provided no reasoning showing why a skilled artisan would modify or combine the references to track "changes in the appearances of the facial features." Indeed, the allegation in the Office Action does not suffice as clear and particular evidence that a skilled artisan would have combined the references in the manner claimed. Appellants

submit that the Examiner is again impermissibly using teachings of the present application in hindsight to piece together isolated disclosures of the cited references.

For at least these reasons, Appellants respectfully request the Board to reverse the § 103(a) rejection of dependent claims 33-36 based on Nagaishi, Furuta, and Cosatto.

**D. The Rejection of Claim 37 Under 35 U.S.C. § 103(a) Based on Nagaishi in view of Furuta, in view of Cosatto, and further in view of Vinas Should Be Reversed**

*1. Nagaishi, Furuta, Cosatto, and Vinas do not disclose or suggest the subject matter recited in claim 37*

Appellants respectfully submit that the § 103 rejection of claim 37 based on Nagaishi in view of Furuta, in view of Cosatto, and further in view of Vinas should be reversed because the Office Action fails to establish a *prima facie* case of obviousness. As set forth above, *prima facie* obviousness has not been established because Nagaishi and Furuta, taken alone or in combination, fail to disclose “analyzing . . . at least one external body condition via [a] three-dimensional image; and proposing to [a] subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition” as recited in independent claim 20, from which claim 37 depends.

Cosatto and Vinas, taken alone or in combination, fail to cure the deficiencies of Nagaishi and Furuta. Cosatto allegedly “discloses color calibration and tracking changes in the appearances of facial feature,” and Vinas allegedly “discloses that if a user is very sensitive to color issues then he may manually [initiate] a color calibration process at any time (paragraph 46).” Office Action at 11. Even if the allegations were

true, Cosatto and Vinas, taken alone or in combination, teach, at most, a manual color calibration and tracking changes, and thus, fail to teach or suggest “analyzing . . . at least one external body condition via [a] three-dimensional image; and proposing to [a] subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition” as recited in independent claim 20.

For at least these reasons, the § 103(a) rejection of dependent claim 37 based on Nagaishi, Furuta, Cosatto, and Vinas should be reversed.

*2. The requisite motivation for modifying Nagaishi in view of Furuta, in view of Cosatto, and further in view of Vinas is lacking*

Additionally, the requisite motivation for modifying Nagaishi in view of Furuta, in view of Cosatto, and further in view of Vinas is lacking.

The Examiner has not shown that a skilled artisan considering the cited references and not having the benefit of Appellants’ disclosure, would have been motivated to combine or modify the references in a manner resulting in Appellants’ claimed combination. The Office Action alleged that a skilled artisan would have combined the references to “allow for manual color calibration since it would give the user more control of the process if they are color sensitive.” Office Action at 12. That allegation in the Office Action is not properly supported by evidence and does not show that a skilled artisan would have modified the references as alleged.

Appellants again call attention to M.P.E.P. § 2143.01, which makes clear that: “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the

combination" (citations omitted). The Office Action does not show that the cited art "suggests the desirability" of the alleged combination. The Office Action also fails to provide any evidence or explanation as to how Cosatto's or Vinas's "color-calibration" would be used in the system of Nagaishi or Furuta to achieve the alleged result.

Further, the Examiner has provided no reasoning showing why a skilled artisan would modify or combine the references to track "changes in the appearances of the facial features." Simply reiterating an effect or use of Cosatto's or Vinas's "color-calibration" mentioned in the reference does not establish that a skilled artisan, without any knowledge of Appellants' claimed invention, would select the various features of the cited references for combination in the manner claimed. Indeed, the allegation in the Office Action does not suffice as clear and particular evidence that a skilled artisan would have combined the references in the manner claimed. Appellants submit that the Examiner is again impermissibly using teachings of the present application in hindsight to piece together isolated disclosures of the cited references.

**VIII. Conclusion**

For the reasons given above, claims 2-6, 8-17, and 19-44 are patentable over the cited references. The Board is therefore respectfully requested to reverse the outstanding rejections under 35 U.S.C. § 103(a), so that those pending claims may be allowed.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due which are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 2, 2007

By: 

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**VIII. Claims Appendix**

1. (Canceled)
2. The method of claim 20, wherein facilitating construction of a three-dimensional image comprises providing access to software for constructing the three-dimensional image.
3. The method of claim 20, wherein facilitating the processing comprises providing access to software configured for at least one of simulating use of an aesthetic feature on a three-dimensional image and processing of a three-dimensional image to enable a beauty analysis.
4. The method of claim 3, wherein the software is configured for the simulating use of the aesthetic feature.
5. The method of claim 3, wherein the software is configured to enable a beauty analysis.
6. The method of claim 20, wherein the aesthetic feature is a beauty product.
7. (Canceled)
8. The method of claim 20, wherein the processing of the three-dimensional image comprises at least one of identifying the at least one external body condition in

the three-dimensional image and modifying the three-dimensional image to reflect evolution of the external body condition.

9. The method of claim 20, wherein the method further comprises enabling selection of the aesthetic feature from a plurality of aesthetic features and wherein the three-dimensional image is altered to include a simulation of use of the selected aesthetic feature.

10. The method of claim 9, wherein the aesthetic feature comprises beauty product.

11. The method of claim 10, wherein the beauty product comprises make-up.

12. The method of claim 20, further comprising enabling the subject to view the three-dimensional image from a plurality of differing virtual perspectives.

13. The method of claim 20, further comprising instructing the subject on how to transmit the at least one captured image to a location remote from the subject, wherein the three-dimensional image is constructed at the remote location.

14. The method of claim 20, wherein the method further comprises prompting the subject to capture the at least one image of the subject's face.

15. The method of claim 20, wherein facilitating the processing comprises analyzing the three-dimensional image at a location remote from the subject.

16. The method of claim 20, wherein facilitating construction of the three-dimensional image comprises facilitating construction of the three-dimensional image using a plurality of facial images of the subject.

17. The method of claim 20, wherein facilitating construction of the three-dimensional image comprises facilitating construction of the three-dimensional image using the at least one image of the subject's face and a three-dimensional frame.

18. (Canceled)

19. The method of claim 20, wherein the analyzing occurs at a location remote from a location of the subject.

20. A method of enabling an analysis using a three-dimensional facial image, the method comprising:

facilitating construction of a three-dimensional facial image using at least one captured image of a subject's face, wherein the at least one captured image reflects at least one external body condition;

facilitating processing of the three-dimensional facial image to enable a beauty analysis;

analyzing the at least one external body condition via the three-dimensional image; and



proposing to the subject an aesthetic feature for affecting the at least one external body condition based, at least in part, on the analyzing of the external body condition.

21. The method of claim 2, wherein providing access to the software comprises one of maintaining the software on a server, providing the subject with access to a dedicated device containing the software, and providing the subject with a memory storage device containing the software.

22. The method of claim 3, wherein providing access to the software comprises one of maintaining the software on a server, providing the subject with access to a dedicated device containing the software, and providing the subject with a memory storage device containing the software.

23. The method of claim 20, wherein facilitating the processing comprises providing the subject with access to software configured to analyze an external body condition.

24. The method of claim 23, wherein the software is further configured to propose a beauty product.

25. The method of claim 20, wherein facilitating the processing comprises facilitating display of a time-lapsed simulation of the three-dimensional facial image.

26. A computer-readable medium containing instructions for the method of claim 20.

27. A system comprising a processor configured to perform the method of claim 20.

28. The method of claim 20, wherein facilitating construction of a three-dimensional facial image using at least one captured image of a subject's face comprises applying the at least one captured image in a virtual manner on a three-dimensional frame.

29. The method of claim 28, wherein applying the at least one captured image comprises applying the at least one captured image in a virtual manner on a three-dimensional frame that is in the form of a virtual wire mesh.

30. The method of claim 28, further comprising generating the three-dimensional frame based on stored information.

31. The method of claim 28, further comprising generating the three-dimensional frame based on inputted information.

32. The method of claim 20, further comprising simulating the at least one external body condition on the three-dimensional facial image using a facial model.

33. The method of claim 20, further comprising enabling a calibration of the three-dimensional facial image to address a perceived difference between the three-dimensional facial image and the subject's face.

34. The method of claim 20, further comprising color-calibrating the three-dimensional facial image to simulate the subject's actual face.

35. The method of claim 34, further comprising providing a simulation of use of the aesthetic feature on the three-dimensional facial image.

36. The method of claim 35, wherein providing the simulation of use of the aesthetic feature on the three-dimensional facial image comprises providing a simulation of beauty products on the color-calibrated three-dimensional facial image.

37. The method of claim 34, wherein color-calibrating comprises allowing the subject to compare a displayed color of the three-dimensional facial image with an actual color of an actual body region to color-calibrate the three-dimensional facial image.

38. The method of claim 20, wherein analyzing the external body condition via the three-dimensional image includes determining an extent and severity of the at least one external body condition.

39. The method of claim 20, further comprising providing a simulation of use of the aesthetic feature on the three-dimensional facial image.

40. The method of claim 20, wherein facilitating construction of a three-dimensional facial image comprises adding a dimensional effect to the three-dimensional facial image.

41. The method of claim 20, wherein facilitating construction of a three-dimensional facial image comprises adding a lighting effect to the three-dimensional facial image.

42. The method of claim 41, wherein adding a lighting effect comprises applying color homogenously to the facial image while modifying at least one of hue, tint, and shade based on a position of a virtual lighting source.

43. The method of claim 20, wherein facilitating construction comprises facilitating construction of a three-dimensional facial image that includes selectable portions that, when selected, are displayed in two-dimensional form.

44. The method of claim 20, wherein facilitating construction comprises facilitating construction of a two-dimensional facial image that includes selectable portions that, when selected, are displayed in three-dimensional form.

**IX. Evidence Appendix**

None

**X. Related Proceedings Appendix**

None